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FACSIMILE COVER PAGE

TO: Examiner Sines FAX NO: 571-273-6764
FROM: Jim Shaurette
DATE: June 5, 2006 NO. OF PAGES: 36
OUR FILE: PDNO. 10003223-1 YOUR FILE: S/N: 09/665,349

SUBJECT/MESSAGE: Pursuant to your request we are sending you a copy of the appeal brief we filed on December 1, 2005. Please let me know if you require additional information. Thank you for your assistance with this matter.

This facsimile transmission (and/or the documents accompanying it) may contain confidential information that is privileged, confidential or exempt from disclosure under federal or state law. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this information is strictly prohibited. If you have received this transmission in error, please call our office collect at (509)624-4276 immediately to arrange for the return of the documents. Thank you.

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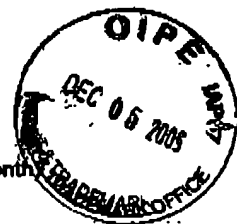
HE12-151

December 1, 2005

Hewlett Packard Company

The stamp of the U.S. Patent and Trademark Office acknowledges receipt of the following papers relating to the Patent application of Mark A. Harper et al., Serial No. 09/665,349, filed September 22, 2000, entitled "Localizing Client Purchasing of Consumables for Hardware Output Engine and Method".

1. PTO Return Postcard Receipts (2)
2. An Appeal Brief
3. Transmittal Form in duplicate
4. Fee Transmittal (PTO/SB/17) in duplicate
5. Dictionary Definition
6. A \$120.00 Check
7. Appeal Brief Transmittal in duplicate
8. Request for Extension of Time (PTO/SB/22) (one month)



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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. 10003223-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Mark A. Harper et al.

Confirmation No.: 4554

Application No.: 09/665,349

Examiner: M. Thein

Filing Date: 9/18/2000

Group Art Unit: 3625

Title: Localizing Client Purchasing of Consumables for Hardcopy Output Engine and Method

Mail Stop Appeals - Patents
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application

- () Response/Amendment (X) Petition to extend time to respond
() New fee as calculated below () Supplemental Declaration
() No additional fee
(X) Other: PTO Return Receipt Postcards (2); Appeal Brief; Fee Transmittal (2); A \$120.00 Check;
Dictionary Definition; Appeal Brief Transmittal; Request for Extension

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		= 0	X \$50	\$ 0
INDEP. CLAIMS		MINUS		= 0	X \$200	\$ 0
[] FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ \$360	\$ 0
EXTENSION FEE	1ST MONTH \$120.00	2ND MONTH \$450.00	3RD MONTH \$1020.00	4TH MONTH \$1590.00		\$ 0
OTHER FEES						\$
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450.

Date of Deposit: 12/1/2005

Typed Name: Natalie King

Signature: 

Respectfully submitted,

Mark A. Harper et al.

By 

James D. Sharette

Attorney/Agent for Applicant(s)

Reg. No. 39,833

Date: 12/1/05

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. 10003223-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Mark A. Harper et al.

Confirmation No.: 4554

Application No.: 09/665,349

Examiner: M. Thein

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Title: Localizing Client Purchasing of Consumables for Hardcopy Output Engine and Method

Mail Stop Appeals - Patents
Commissioner for Patents
PO Box 1450
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Sir:

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- () Response/Amendment (X) Petition to extend time to respond
() New fee as calculated below () Supplemental Declaration
() No additional fee
(X) Other: PTO Return Receipt Postcards (2); Appeal Brief; Fee Transmittal (2); A \$120.00 Check;
Dictionary Definition; Appeal Brief Transmittal (2); Request for Extension

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		= (X \$50	\$ 0
INDEP. CLAIMS		MINUS		= (X \$200	\$ 0
[] FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ \$360	\$ 0
EXTENSION FEE	1ST MONTH \$120.00	2ND MONTH \$450.00	3RD MONTH \$1020.00	4TH MONTH \$1590.00		\$ 0
OTHER FEES						\$
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

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Date of Deposit: 12/1/2005

Typed Name: Natalie King

Signature: 

Respectfully submitted,

Mark A. Harper et al.

By 

James D. Shaurette

Attorney/Agent for Applicant(s)

Reg. No. : 9,833

Date: 12/1/05

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. 10003223-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Mark A. Harper et al.

Confirmation No.: 4554

Application No.: 09/665,349

Examiner: M.T.T. Thein

Filing Date: 09/18/2000

Group Art Unit: 3627

Title: Localizing Client Purchasing of Consumables for Output Engine and Method

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Sir:

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on 09/01/2005.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

(X) (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

<input checked="" type="checkbox"/> one month	\$120.00
<input type="checkbox"/> two months	\$450.00
<input type="checkbox"/> three months	\$1020.00
<input type="checkbox"/> four months	\$1590.00

☒ The extension fee has already been filled in this application.

() (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$500.00. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed. A \$120.00 check is enclosed herewith for the Request for One Month Extension.

(X) I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450. Date of Deposit: 12-1-2005
OR

() I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number _____ on _____

Number of pages: 30Typed Name: Natalie KingSignature: [Signature]

Respectfully submitted,

Mark A. Harper et al.

By [Signature]

James D. Shawette

Attorney/Agent for Applicant(s)

Reg. No. 39,833Date: 12/1/05

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. 10003223-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Mark A. Harper et al.

Confirmation No.: 4554

Application No.: 09/665,349

Examiner: M.T.T. Thein

Filing Date: 09/18/2000

Group Art Unit: 3627

Title: Localizing Client Purchasing of Consumables for Output Engine and Method

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

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(complete (a) or (b) as applicable)

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(X) (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

(X) one month	\$120.00
() two months	\$450.00
() three months	\$1020.00
() four months	\$1590.00

(X) The extension fee has already been filled in this application.

() (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

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OR

() I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number _____ on _____

Number of pages: 30Typed Name: Natalie KingSignature: 

Respectfully submitted,

Mark A. Harper et al.

By 

James D. Shaurette

Attorney/Agent for Applicant(s)

Reg. No. 311,833Date: 2/1/05

PTO/SB/17 (12-04v2)

Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). FEE TRANSMITTAL For FY 2005		Complete If Known Application Number 09/665,349 Filing Date 09/18/2000 First Named Inventor Mark A. Hargreaves et al. Examiner Name M. T.T. Their Art Unit 3627 Attorney Docket No. PDNO. 10003223-1	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27			
TOTAL AMOUNT OF PAYMENT	(\$)	120.00	

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☐ Deposit Account Deposit Account Number: _____ Deposit Account Name: _____

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☐ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments

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FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description

 Each claim over 20 (including Reissues)
 Each independent claim over 3 (including Reissues)
 Multiple dependent claims

Fee (\$)	Small Entity Fee (\$)
50	25
200	100
360	180
Multiple Dependent Claims	
Fee (\$)	Fees Paid (\$)

 Total Claims - 20 or HP = _____ x _____ = _____
 HP = highest number of total claims paid for, if greater than 20.

 Indep. Claims - 3 or HP = _____ x _____ = _____
 HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(c)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

 Total Sheets - 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____
 Extra Sheets Number of each additional 50 or fraction thereof Fee (\$)

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Request for One Month Extension of Time

Fees Paid (\$)

\$120.00

SUBMITTED BY		Registration No.	Telephone
Signature		39,833 (Attorney/Agent)	509,624,4276
Name (Print/Type)	James D. Shaurette	Date	12/1/05

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/88/17 (12-04v2)

Approved for use through 07/31/2006. OMB 0851-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCEEffective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL**
For FY 2005☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 120.00

Complete If Known

Application Number	09/665,349
Filing Date	09/18/2000
First Named Inventor	Mark A. Harper et al.
Examiner Name	M. T.T. The
Art Unit	3627
Attorney Docket No.	PDNO. 100/3223-1

METHOD OF PAYMENT (check all that apply)☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):☐ Deposit Account Deposit Account Number: Deposit Account Name:

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☐ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17☐ Credit any overpayments

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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
---------------------	---------------------	-----------------	----------------------

- 20 or HP = x =

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
----------------------	---------------------	-----------------	----------------------

- 3 or HP = x =

HP = highest number of independent claims paid for, if greater than 3.

Fee (\$)	Small Entity Fee (\$)
50	25
200	100
300	180
Multiple Dependent Claims	
Fee (\$)	Fee Paid (\$)

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
---------------------	---------------------	---	-----------------	----------------------

- 100 = / 50 = (round up to a whole number) x =

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Request for One Month Extension of Time

\$120.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 39,833	Telephone 509.624.4278
Name (Print/Type)	James D. Shaurette	Date	12/1/05

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending up in the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/22 (12-04)

Approved for use through 07/31/2006. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2005 <i>(Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4610).)</i>		Docket Number (Optional) PDNO. 10003223-1	
Application Number 09/665,349		Filed September 18, 2000	
For Mark A. Harper et al.			
Art Unit 3627		Examiner Maria Teresa T. Thein	

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):

	Fee	Small Entity Fee	
<input checked="" type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$120	\$60	\$120.00
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$450	\$225	\$
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$1020	\$510	\$
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1590	\$795	\$
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2160	\$1080	\$

☐ Applicant claims small entity status. See 37 CFR 1.27.

☒ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any deficiencies required credit any overpayment, to Deposit Account Number 23-0925. I have enclosed a duplicate copy of this sheet.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the ☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).

☒ attorney or agent of record. Registration Number 39,833

☐ attorney or agent under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____

James D. Shaurette Signature 12/1/05 Date

James D. Shaurette Typed or printed name 509-624-4276 Telephone Number

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-0199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No.09/665,349
Filing Date.....September 18, 2000
Inventor..... Mark A. Harper et al.
Assignee..... Hewlett-Packard Development Company, L.P.
Group Art Unit 3627
Examiner..... Maria Teresa T. Thein
Attorney's Docket No..... PDNO. 10003223-1
Confirmation No..... 4554
Title:Localizing Client Purchasing of Consumables for Outout Engine and Method

BRIEF OF APPELLANT

To: Mail Stop Appeal Brief-Patents
Commissioner of Patents
P.O. Box 1450
Alexandria VA 22313-1450

From: James D. Shaurette (Tel. 509-624-4276; Fax 509-838-3424)
Wells, St. John, P.S.
601 W. First Avenue, Suite 1300
Spokane, WA 99201-3817

Appellant appeals from the Office Action, mailed June 1, 2005, which rejects claims 1-20 and 22-33. The Commissioner is authorized to charge the fee required under 37 C.F.R. § 41.20(b)(2) to Deposit Account No. 08-2025.

PDNO. 10003223-1
Serial No. : 09/665,349
Brief of Appellant

-i-

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I. REAL PARTY IN INTEREST

The real party in interest of this application is Hewlett-Packard Development Company, L.P. as evidenced by the full assignment of the pending application to Hewlett-Packard Company recorded starting at Reel 011323, Frame 0969, and the full assignment to Hewlett-Packard Development Company, L.P. recorded starting at Reel 014061, Frame 0508, in the Assignment Branch of the Patent and Trademark Office.

II. RELATED APPEALS AND INTERFERENCES

Appellants, Appellants' undersigned legal representative, and the assignee of the pending application are aware of no appeals or interferences which will directly affect, be directly affected by, or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF THE CLAIMS

Claims 1-20 and 22-33 are pending and stand rejected. Appellants appeal the rejection of claims 1-20 and 22-33.

IV. STATUS OF AMENDMENTS

No amendments have been filed after the Office Action mailed June 1, 2005.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Concise explanations of the subject matter defined in each of the independent claims and argued dependent claims involved in the appeal follow with respect to exemplary illustrative embodiments of the specification and figures.

Independent claims 1 and 23 recite determining a geographical area to which a hard copy output engine 14 is to be deployed supported at least by the teachings of the method of one embodiment of the disclosure described at page 5, lines 13+ of the originally-filed specification. The method also describes that an electronic address for a supplier of consumables is determined for the geographical area at step S2. Step S3 of the method describes exemplary storage or programming of the memory of the engine with the electronic address. The initiating and

communicating are described at page 5, lines 3+ in accordance with one embodiment of the specification.

Referring to dependent claims 2-3, 9, 16, and 20, the electronic address may be a universal resource locator as set forth in step S2 of the method of Fig. 2 of one embodiment of the disclosure.

Referring to dependent claim 5, the exemplary method of Fig. 3 according to one embodiment of the disclosure describes determining that an electronic address is obsolete (step S11), determining a revised electronic address (step S12) and reprogramming the memory (step S13).

Referring to dependent claim 7, Appellants refer to an exemplary embodiment of page 6, lines 14+ of the originally filed specification.

Referring to independent claims 8 and 15, the determining is disclosed in step S21 of the method of Fig. 4 in one embodiment. The extracting is described in the specification with respect to step S23 on page 7, lines 20+ in one embodiment. The initiating and communicating are described at page 5, lines 3+ of one embodiment of the specification. Details of memory are described with respect to reference 24 of the embodiment of Fig. 1 and details of processing circuitry are introduced at page 2, lines 30+ of the originally-filed specification.

Referring to dependent claims 10 and 16, an electronic address for a supplier or vendor of consumables appropriate to the geographical area is disclosed at step S2 of the embodiment of Fig. 2.

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

- A. The 102 rejection of claims 1-7, 23-25, 28, and 32-33.
- B. The 102 rejection of claims 1-7, 23-25, 28, and 32-33.
- C. The 102 rejection of claims 8-14, 15-20, 22, 26-27, 29, and 30-31.
- D. The 103 rejection of claim 5.
- E. The 103 rejection of claims 2-3, 7, 9, 10, 16, and 20.
- F. The 103 rejection of claims 10 and 16.

VII. ARGUMENT

A. Limitations of claims 1-7, 23-25, 28, and 32-33 are not disclosed nor suggested by Beard and the anticipation rejection is in error.

Referring to the anticipation rejections, Appellants note the requirements of MPEP §2131 (8th ed., rev. 3), which states that TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY ELEMENT OF THE CLAIM. The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

The claims positively recite determining an electronic address for a *consumables supplier or vendor appropriate to a geographical area in which the hard copy output engine is to be deployed*. These limitations of the claims are not disclosed nor suggested by the prior art and the anticipation rejection is improper for at least this reason.

The Office on pages 3 and 6 of the Office Action dated June 1, 2005 (hereinafter "Office Action") relies upon the teachings of cols. 8, 9 and 11 of U.S. Patent No. 6,016,409 to Beard (hereinafter "Beard") as allegedly disclosing the limitations of determining the electronic address for the consumable supplier or vendor appropriate to the claimed geographical area. Appellants respectfully submit the identified teachings fail to disclose or suggest these limitations.

More specifically, col. 8, lines 29-34 of Beard merely state that in arrangements wherein the printing apparatus is leased by the user, the distribution board 30 may be instructed to send a request to reorder new modules through a network or over a telephone line to a manufacturer. Further, the teachings of col. 8 of Beard merely disclose in leased arrangements requests are sent to the manufacturer in a manner invisible to the user. Col. 9, lines 6-9 of Beard merely disclose that a reorder notice may be placed over a network or phone line without any mention of an electronic address. Col. 11, lines 26-32 refer to ancillary part aspects wherein services with respect to a part ancillary to one of the modules may be performed. These identified teachings fail to disclose or suggest *any teachings regarding an electronic address or the determination of the electronic address for a*

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consumable supplier or vendor appropriate to a geographical area in which the engine is to be deployed. Appellants have electronically searched Beard and have failed to locate any teachings of an electronic address. The teachings regarding the manufacturer of Beard are void of any teaching or suggestion of an electronic address of a consumable supplier appropriate to a geographical area within which the hard copy engine is to be deployed.

Accordingly, positively recited limitations of the claims are not disclosed nor suggested by Beard and Appellants respectfully submit the 102 rejection is improper for at least these reasons and Appellants respectfully request allowance of the claims.

The Office on pages 3 and 6 of the Action apparently relies upon inherency in support of the anticipation rejection. More specifically, the Office on pages 3 and 6 submits that computers have unique addresses in order to communicate with other computers within a network and that it is inherent that Beard provides an electronic address for a supplier in order to communicate directly to the supplier. Applicants assert that the reliance upon inherency is misplaced and fails to cure the deficiencies of the teachings of Beard and the anticipation rejections are improper.

The Office must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly *inherent characteristics necessarily flow* from the teachings of the applied prior art. *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). Appellants respectfully submit some arrangements may be used which do not utilize electronic addresses programmed or stored in memory. For example, with respect to the newly asserted rejections of the Office Action, Appellants submit herewith dictionary definitions from *Microsoft Computer Dictionary*, 5th ed., Microsoft Press, 2000 of token, token ring network and Token Ring network wherein tokens are used to pass communications between computers and which are void of mentioning use of electronic addresses. Another suitable alternative is the remote device polling the printing apparatus or pulling information from the printing apparatus wherein no electronic addresses would be stored in the printing apparatus. Accordingly, Appellants respectfully submit the limitations of the claims regarding electronic addresses have not been demonstrated to *necessarily flow* from the teachings of

Beard in view of the presence of suitable alternatives of token ring communications or polling arrangements and the reliance upon inherency is improper.

Additionally, Appellants submit that even if the concept of electronic addresses is found to be inherent, the claims recite *determining the electronic address for a supplier appropriate to a geographical area within which a hard copy output engine is to be deployed*. The limitations of the electronic address for the supplier appropriate to the geographical area do not necessarily flow from the teachings of the prior art and the limitations are not inherent.

Appellants respectfully submit the claims are allowable over Beard for at least the above-mentioned compelling reasons.

B. Limitations of claims 1-7, 23-25, 28, and 32-33 are not disclosed nor suggested by Beard and the anticipation rejection is in error.

The claims additionally positively recite programming or storing an electronic address for a consumables supplier or vendor *appropriate to a geographical area in which the hard copy output engine is to be deployed in memory of the hard copy output engine*.

Appellants respectfully submit these limitations of the claims are not disclosed nor suggested by the prior art and the anticipation rejection is improper for at least this reason.

The Office on pages 3 and 6 of the Office Action relies upon the teachings of cols. 8 and 10 of Beard as allegedly disclosing the claimed programming or storing the electronic address in memory. However, the teachings of lines 13-17 of col. 8 of Beard disclose a service plan code which may be used to specify whether the printing apparatus of Beard is leased or purchased and which may be used to control how the printing apparatus performs functions based upon the leased or sold nature of the printing apparatus. Lines 24-34 of col. 8 of Beard merely teach that the identity of the service plan affects which information is displayed and in leased arrangements that requests are sent to a manufacturer. Referring to the teachings of col. 10, lines 57-65, Beard discloses the service plan code may include data symbolic of an instruction to communicate a particular status message over the network. The service plan code for controlling the type of service implemented as well as the communication of messages fails to disclose or suggest *programming*

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or storing the electronic address for a consumables supplier appropriate to the geographical area within which the engine is to be deployed as defined in the claims. These additional positively-recited limitations are not disclosed nor suggested by the prior art and the claims are allowable for this additional reason. Appellants respectfully request allowance of the claims.

Furthermore, it is not inherent from the teachings of Beard to program or store an electronic address using memory. For example, an address electronic may be provided by alternative means such as a label (e.g., a bar code) scanned by a device or alternatively the manufacturer of Beard may poll the printing apparatus or pull information from the printing apparatus in possible alternative configurations and the limitations of programming or storing the electronic address in memory of the hard copy output engine do not necessarily flow from the teachings of the prior art as is required for any proper reliance upon inherency.

Appellants respectfully submit the claims are allowable over Beard for at least the above-mentioned compelling reasons.

C. Limitations of claims 8-14, 15-20, 22, 26-27, 29, and 30-31 are not disclosed nor suggested by Beard and the anticipation rejection is in error.

The claims recite *extracting an electronic address for a vendor or supplier of a consumable from memory* included in a hard copy output engine in combination with *initiating and directly communicating with a vendor using the electronic address* (claim 8 and respective dependents) or *communicating with a supplier of consumables using the electronic address* (claim 15 and respective dependents). These limitations are not disclosed nor suggested by Beard and are not inherent and Appellants respectfully submit the anticipation rejections are in error for at least this reason.

The Office on page 4 of the Action recites teachings in col. 12, lines 23-28 of Beard as allegedly disclosing the claimed *extracting the electronic address from memory*. However, these teachings disclose ordering of toner bottles over a network in advance of expected run out. These teachings are void of disclosing or suggesting extracting an electronic address from memory from the hard copy output engine and positively-recited limitations of the claims are not disclosed nor suggested by the prior art.

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In addition, the extracting limitations have not been demonstrated to *necessarily flow* from the teachings of Beard and any reliance upon inherency is improper. More specifically, other possible exemplary alternatives for networked communications include use of a token ring arrangement.

Appellants respectfully submit the Office has failed to formulate a proper anticipation rejection and the claims are allowable for at least the above-mentioned compelling reasons.

On page 4 of the Office Action, the Office states that col. 12, lines 23-28 discloses the initiating and/or communicating recited in the claims. However, these teachings disclose ordering of toner bottles over a network in advance of expected run out. These teachings are void of disclosing or suggesting *initiating or communicating using an electronic addresses extracted from the memory of the hard copy output engine* as claimed. Positively-recited limitations of the claims are not disclosed nor suggested by the prior art. Furthermore, these limitations have not been demonstrated to *necessarily flow* from the teachings of Beard and Appellants respectfully submit the limitations are not inherent from Beard.

For at least the above-mentioned compelling reasons, Appellants respectfully submit the claims are allowable.

D. There is no motivation to combine the teachings of Himmel with the teachings of Beard in support of the 103 rejection of claim 5.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See, e.g., MPEP §2143 (8th ed., rev. 3).

MPEP 2142 (8th ed., rev. 3) states that the concept of *prima facie* obviousness allocates who has the burden of going forward with production of evidence in each step of the examination process and the *examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness*. The examiner bears the initial burden of factually supporting any *prima facie* conclusion

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of obviousness, that is, the initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. MPEP §2142 (8th Ed., rev. 3).

Applicants respectfully submit the motivational rationale provided by the Office is insufficient in view of precedent set forth by the Federal Circuit, and accordingly, the Office has failed to meet their burden of establishing a proper prima facie 103 rejection.

The Federal Circuit discussed proper motivation *In re Lee*, 61 USPQ 2d 1430 (Fed. Cir. 2002). The Court in *In re Lee* stated the factual inquiry whether to combine references must be thorough and searching. It must be based on objective evidence of record. The Court in *In re Fritch*, 23 USPQ 2d 1730, 1783 (Fed. Cir. 1992) stated motivation is provided only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references. The *Lee* Court stated that the Examiner's conclusory statements in the *Lee* case do not adequately address the issue of motivation to combine. The Court additionally stated that the factual question of motivation is material to patentability and *can not be resolved on subjective belief and unknown authority*. *The Court also stated that deficiencies of cited references cannot be remedied by general conclusions about what is basic knowledge or common sense but rather specific factual findings are needed*. *The Court further stated that the determination of patentability must be based on evidence*. MPEP 2143.01 (8th ed., rev. 2) cites *In re Lee* and states the importance of relying upon objective evidence and making specific factual findings with respect to the motivation to combine references.

Appellants respectfully submit that the motivation relied upon by the Office is deficient in view of the above-recited authority and Appellants respectfully submit the Office has failed to meet their burden of establishing a prima facie 103 rejection of claim 5 for at least this reason.

In particular, the Office on page 10 of the Action states that the combination of U.S. Patent No. 6,016,409 to Himmel (hereinafter "Himmel") with Beard is appropriate in order to provide updated bookmarks (collection of URLs) in an easy and automatic way. Appellants respectfully disagree.

Initially, Beard is void of any teaching to an electronic address. Accordingly, Appellants respectfully submit one of skill in the art reading a reference which does not include any reference to an electronic addresses would not be motivated to look to another reference concerned with solutions to problems concerning electronic addresses for meaningful teachings. Furthermore, contrary to the above-recited authority, the Office has failed to recite any evidence that the printing apparatus and methods of Beard experience any issues with respect to conveying messages to the manufacturer to motivate one to look to other teachings for improvements with respect to communications. There is no evidence of record that even if the references are combined that the resultant system would provide any improvements over the teachings of the references taken individually to motivate one to combine the references. Beard is not concerned with updating bookmarks or URLs. In fact, Appellants have electronically searched Beard and have failed to uncover any reference therein to URL, uniform resource locator or bookmark. Appellants assert that no motivation exists for one to combine the teachings of a secondary reference with a primary reference which is not concerned with the teachings of the secondary reference in the first instance.

Without proper motivation or objective evidence of proper motivation, Appellants respectfully submit the Office has improperly relied upon Appellants' specification in formulating the 103 rejection. However, the motivation for forming the combination must be something other than hindsight reconstruction based on using Applicant's invention as a road map for such a combination. *See, e.g., In re Mills*, 16 USPQ2d 1430 (Fed. Cir. 1990).

Appellants respectfully submit that the Office has failed to meet their burden of demonstrating motivation exists and which is properly supported by objective evidence of record. The obviousness rejection of claim 5 is improper for at least this reason and Appellants request allowance of such claim.

E. There is no motivation to combine the teachings of Dent with the teachings of Beard in support of the 103 rejection of claims 2-3, 7, 9, 10, 16, and 20.

Page 9 of the Office Action sets forth a 103 rejection which relies upon the teachings of U.S. Patent No. 5,884,073 to Dent (hereinafter "Dent") combined with

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the teachings of Beard. However, Appellants respectfully submit the Office has failed to set forth proper motivation to combine the reference teachings and the Office has failed to set forth a proper *prima facie* rejection for at least this reason.

More specifically, the Office alleges on page 9 of the Action that the combination is appropriate in order to establish communications with a remotely located service provider via a network. However, Appellants note that *Beard is replete with teachings of the printing apparatus being configured to communicate with the remote manufacturer*, for example, see col. 8, lines 28-35 of Beard. The Office has failed to identify any problems with respect to the remote communications of the printing apparatus of Beard which would be solved or improved by the combination with the teachings of Dent to motivate one to combine the references. There is no evidence of record that any improvements would result from the combination of Dent with Beard. The motivational rationale is redundant to the explicit remote communication teachings of Beard and provides no impetus for one of skill in the art to combine the references in the manner alleged by the Office. The record is void of any objective evidence to support the combination of references and the teachings of col. 2 of Dent identified on page 9 of the Action are redundant to the already explicitly disclosed teachings of Beard and no motivation exists.

For at least these reasons, Appellants respectfully submit that the Office has failed to meet their burden of demonstrating motivation exists and which is properly supported by objective evidence of record. The obviousness rejection of the claims is improper and Appellants request allowance of the claims.

F. Limitations of claims 10 and 16 are not disclosed nor suggested by the prior art even if the teachings of Dent are combined with the teachings of Beard.

The claims positively recite extracting a universal resource locator for a consumables supplier or vendor *appropriate to a geographical area in which the hard copy output engine is to be deployed*. Beard fails to disclose or suggest an electronic address for the vendor or supplier appropriate to a geographical area in which the hard copy output engine is to be deployed. The market region codes of col. 8 of Beard are used to confirm that the codes of the modules and the machine

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match and there is no disclosure or suggestion of the market region code disclosing or suggesting the claimed electronic address for the vendor or supplier appropriate to the geographical area. In addition, the limitations of claims 10 and 16 do not necessarily flow from the teachings of Beard and the limitations are not inherent from the teachings of Beard.

Furthermore, the Office states on page 9 of the Action that Dent discloses a web address of a universal resource locator. However, Appellants have electronically searched and failed to uncover any teachings in Dent of a universal resource locator corresponding to a geographic area or the universal resource locator for a vendor or supplier of consumables appropriate to the geographical area in which the hard copy output engine is to be deployed. Accordingly, even if combined, the teachings of Dent fail to cure the deficiencies of Beard.

Appellants respectfully submit the teachings of Beard and Dent, taken alone or in combination, fail to disclose or suggest extraction of a universal resource locator for a vendor or supplier of consumables appropriate to a geographical area within which the engine is to be deployed as positively-recited in the claims. The limitations are not inherent from the teachings of the prior art. Appellants respectfully submit the Office has failed to establish a proper prima facie 103 rejection for at least these compelling reasons and the claims are allowable.

H. Conclusion

In view of the foregoing, reversal of the rejections of the claims is respectfully requested. For any one of the above-stated reasons, the rejections of the respective claims should be reversed. In combination, the above-stated reasons overwhelmingly support such reversal. Accordingly, Appellants respectfully request that the Board reverse the rejections of the claims.

Respectfully submitted,

Date:

12/1/05

Attorney:



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VIII. APPENDIX A - THE CLAIMS INVOLVED IN THIS APPEAL

1 1. [Original] A method of programming a non-volatile memory unit in
2 a hard copy output engine comprising:
3 determining a geographical area within which the hard copy output engine
4 is to be deployed;
5 determining an electronic address for a consumables supplier appropriate
6 to the geographical area; and
7 programming the electronic address into the non-volatile memory.

1 2. [Original] The method of claim 1, wherein determining an electronic
2 address comprises determining a universal resource locator for an original
3 equipment manufacturer.

1 3. [Original] The method of claim 1, wherein determining an electronic
2 address comprises determining a universal resource locator for a reseller of
3 consumable supplies associated with the hard copy output engine.

1 4. [Original] The method of claim 1, further comprising programming
2 the non-volatile memory with product descriptors for consumable supplies
3 associated with the hard copy output engine.

1 5. [Original] The method of claim 1, further comprising:
2 determining that the electronic address for the consumables supplier is
3 obsolete;
4 determining a revised electronic address for the consumables supplier
5 appropriate to the geographical area; and
6 re-programming the non-volatile memory with the revised electronic
7 address to replace the obsolete electronic address.

1 6. [Original] The method of claim 1, wherein the hard copy output
2 engine is chosen from a group consisting of: facsimile machines, photocopiers
3 and printers.

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1 7. [Previously Presented] The method of claim 1, wherein determining an
2 electronic address comprises determining a universal resource locator for a
3 supplier chosen from a group consisting of: an original equipment manufacturer,
4 a reseller or a supplier of office supplies including hard copy output engine
5 consumables.

1 8. [Previously Presented] A method of obtaining consumable supplies for
2 a hard copy output engine comprising:
3 determining that an amount of consumable for the hard copy output
4 engine is less than a threshold amount;
5 extracting an electronic address for a vendor of the consumable from a
6 non-volatile memory included in the hard copy output engine;
7 initiating communication with the vendor using the electronic address;
8 and
9 directly communicating with the vendor from the hard copy output
10 engine.

1 9. [Original] The method of claim 8, wherein extracting an electronic
2 address comprises extracting a universal resource locator.

1 10. [Original] The method of claim 8, wherein extracting an electronic
2 address comprises extracting a universal resource locator for a vendor of
3 consumables appropriate to a geographical area within which the hard copy
4 output engine is deployed.

1 11. [Previously Presented] The method of claim 8, wherein the
2 communicating includes transmitting an electronic message from the hard copy
3 output engine which orders a predetermined quantity of the consumable
4 determined to be present in an amount less than the threshold amount.

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1 12. [Previously Presented] The method of claim 8, wherein
2 determining comprises determining using processing circuitry in response to a
3 sensor in the hard copy output engine sensing that an amount of the
4 consumable is less than the threshold amount.

1 13. [Original] The method of claim 8, wherein initiating communication
2 comprises initiating a servlet.

1 14. [Original] The method of claim 8, wherein the hard copy output
2 engine is chosen from a group consisting of: facsimile machines, photocopiers
3 and printers.

1 15. [Previously Presented] A computer implemented control system for
2 a hard copy output engine, the system comprising:
3 non-volatile memory included in the hard copy output engine and
4 configured to store data representing an electronic address for a supplier of
5 consumables for the hard copy output engine; and
6 processing circuitry configured to:
7 determine that an amount of a consumable for the hard copy
8 output engine is less than a threshold amount;
9 extract the electronic address from the non-volatile memory; and
10 communicate with the supplier using the electronic address.

1 16. [Previously Presented] The computer implemented control system
2 of claim 15, wherein the processor configured to extract an electronic address
3 comprises a processor configured to extract a universal resource locator for a
4 supplier of consumables appropriate to a geographic area within which the hard
5 copy output engine is deployed.

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1 17. [Previously Presented] The computer implemented control system
2 of claim 15, wherein the processor configured to communicate includes a
3 processor configured to transmit an electronic message ordering a predetermined
4 quantity of the consumable determined to be present in an amount less than the
5 threshold amount.

1 18. [Previously Presented] The computer implemented control system
2 of claim 15, wherein the processor configured to communicate includes a
3 processor configured to initiate a servlet.

1 19. [Original] The computer implemented control system of claim 15,
2 wherein the hard copy output engine is chosen from a group consisting of:
3 facsimile machines, photocopiers and printers.

1 20. [Original] The computer implemented control system of claim 15,
2 wherein the processor configured to extract an electronic address comprises a
3 processor configured to extract a universal resource locator.

1 21. Cancelled.

1 22. [Previously Presented] The computer implemented control system
2 of claim 15, wherein the processing circuitry is included in the hard copy output
3 engine.

1 23. [Previously Presented] A method of obtaining consumable supplies
2 for a hard copy output engine, comprising:
3 determining a geographical area within which the hard copy output engine
4 is to be deployed;
5 determining an electronic address for a consumables supplier appropriate
6 to the geographical area;
7 storing the electronic address in a non-volatile memory of the hard copy
8 output engine; and

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9 proactively initiating communication with the consumables supplier from
10 the hard copy output engine using the stored electronic address responsive to an
11 amount of a consumable for the hard copy output engine being less than a
12 predetermined threshold.

1 24. [Previously Presented] The method of claim 1, wherein the
2 determinings and the programming are performed prior to deployment of the
3 hard copy output engine in an end user environment.

1 25. [Previously Presented] The method of claim 1, wherein the
2 programming comprises programming into the non-volatile memory resident
3 within the hard copy output engine.

1 26. [Previously Presented] The method of claim 8, further comprising:
2 determining the electronic address corresponding to a geographical area in
3 which the hard copy output engine will be deployed in an end user environment;
4 and
5 storing the electronic address within the hard copy output engine prior to
6 deployment of the hard copy output engine.

1 27. [Previously Presented] The computer implemented control system
2 of claim 15, wherein the non-volatile memory is configured to store the data
3 representing the electronic address prior to deployment of the hard copy output
4 engine in an end user environment.

1 28. [Previously Presented] The method of claim 23, wherein the
2 determinings and the storing are performed prior to deployment of the hard copy
3 output engine in an end user environment.

1 29. [Previously Presented] The method of claim 8, wherein the
2 communicating comprises directly sending an electronic message from the hard
3 copy output engine to the vendor without user intervention.

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1 30. [Previously Presented] The computer implemented control system
2 of claim 15, wherein the processing circuitry comprises processing circuitry of
3 the hard copy output engine configured to communicate an electronic message
4 from the hard copy output engine to the supplier without user intervention.

1 31. [Previously Presented] The computer implemented control system
2 of claim 15, wherein the processing circuitry comprises processing circuitry of
3 the hard copy output engine configured to communicate an electronic message
4 directly to the supplier.

1 32. [Previously Presented] The method of claim 23, wherein the
2 proactively initiating communication comprises sending an electronic message
3 from the hard copy output engine to the supplier without user intervention.

1 33. [Previously Presented] The method of claim 23, wherein the
2 proactively initiating communication comprises directly communicating with the
3 supplier using the hard copy output engine.

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IX. EVIDENCE APPENDIX

A copy of the reference "Microsoft Computer Dictionary" Fifth Edition, pages 522-523, 2000 (enclosed) is entered into the record in response to the new rejections presented for the first time in the Office Action mailed June 1, 2005.

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title bar *n.* In a graphical user interface, a horizontal space at the top of a window that contains the name of the window. Most title bars also contain boxes or buttons for closing and resizing the window. Clicking on the title bar allows the user to move the entire window.

TLA *n.* Acronym for three-letter acronym. An ironic term, usually used in jest on the Internet in e-mail, newsgroups, and other online forums, referring to the large number of acronyms in computer terminology, particularly those consisting of three letters.

TLD *n.* See top-level domain.

TLS *n.* Acronym for Transport Layer Security. A standard protocol that is used to provide secure Web communications on the Internet or intranets. It enables clients to authenticate servers or, optionally, servers to authenticate clients. It also provides a secure channel by encrypting communications. TLS is the latest and a more secure version of the SSL protocol. See also authentication, communications protocol, SSL.

TM334010 *n.* See 34010, 34020.

TN display *n.* See twisted nematic display.

TOF *n.* See top-of-file.

toggle² *n.* An electronic device with two states or a program option that can be turned on or off using the same action, such as a mouse click.

toggle² *vb.* To switch back and forth between two states. For example, the Num Lock key on an IBM-style keyboard toggles the numeric keypad between numbers and cursor movement.

ToggleKeys *n.* A feature of Windows 9x and Windows NT 4 that sounds high and low beeps when one of the toggle keys (Caps Lock, Num Lock, or Scroll Lock) is turned on or off. See also typematic. Compare BounceKeys, FilterKeys, MouseKeys, ShowSounds, SoundSentry, StickyKeys.

token *n.* 1. A unique structured data object or message that circulates continuously among the nodes of a token ring and describes the current state of the network. Before any node can send a message, it must first wait to control the token. See also token bus network, token passing, token ring network. 2. Any nonreducible textual element in data that is being parsed—for example, the use in a program of a variable name, a reserved word, or an operator. Storing tokens as short codes shortens program files and speeds execution. See also Basic, parse.

token bus *n.* The IEEE 802.4 specification for token-passing networks based on a bus or tree topology. Token bus networks were designed primarily for manufacturing but the specification also corresponds to the ARCnet architecture used for LANs.

token bus network *n.* A LAN (local area network) formed in a bus topology (stations connected to a single, shared data highway) that uses token passing as a means of regulating traffic on the line. On a token bus network, a token governing the right to transmit is passed from one station to another, and each station holds the token for a brief time, during which it alone can transmit information. The token is transferred in order of priority from an "upstream" station to the next "downstream" station, which might or might not be the next station on the bus. In essence, the token "circles" through the network in a logical ring rather than a physical one. Token bus networks are defined in the IEEE 802.4 standards. See also bus network, IEEE 802 standards, token passing. Compare token ring network.

token passing *n.* A method of controlling network access through the use of a special signal, called a *token*, that determines which station is allowed to transmit. The token, which is actually a short message or a small packet, is passed from station to station around the network. Only the station with the token can transmit information. See also token bus network, token ring network. Compare collision detection, contention, CSMA/CD.

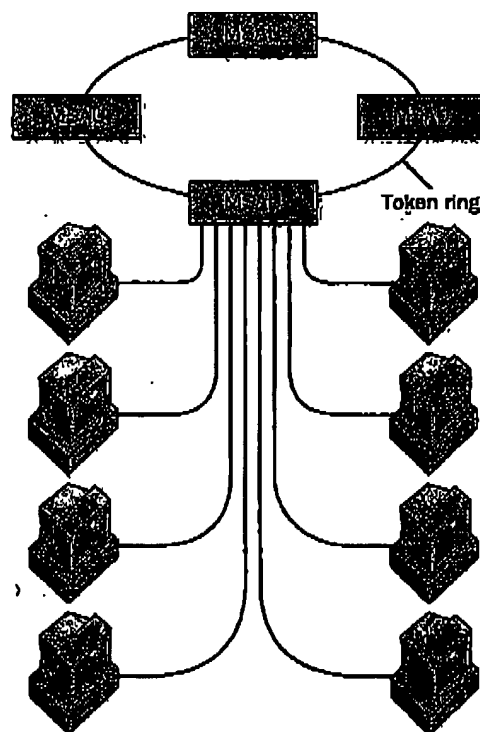
token ring *n.* Spelled with lowercase *t* and *r*, the IEEE specification 802.5 for token ring networks. See also token ring network.

Token Ring *n.* See Token Ring network.

token ring network *n.* A LAN (local area network) formed in a ring (closed loop) topology that uses token passing as a means of regulating traffic on the line. On a token ring network, a token governing the right to transmit is passed from one station to the next in a physical circle. If a station has information to transmit, it "seizes" the token, marks it as being in use, and inserts the information. The "busy" token, plus message, is then passed around the circle, copied when it arrives at its destination, and eventually returned to the sender. The sender removes the attached message and then passes the freed token to the next station in line. Token ring networks are defined in the IEEE 802.5 standards. See also IEEE 802 standards, ring network, token passing. Compare token bus network.

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Token Ring network *n.* A token-passing, ring-shaped local area network (LAN) developed by IBM that operates at 4 megabits (4 million bits) per second. With standard telephone wiring, the Token Ring network can connect up to 72 devices; with shielded twisted-pair (STP) wiring, the network supports up to 260 devices. Although it is based on a ring (closed loop) topology, the Token Ring network uses star-shaped clusters of up to eight workstations connected to a wiring concentrator (Multistation Access Unit, or MSAU), which, in turn, is connected to the main ring. The Token Ring network is designed to accommodate microcomputers, minicomputers, and mainframes; it follows the IEEE 802.5 standards for token ring networks. See the illustration. *See also* ring network, STP, token passing.



Token Ring network. An IBM Token Ring configuration with MSAUs.

tone *n.* 1. A particular tint of a color. *Also called:* shade, value. *See also* brightness, color model. 2. One sound or signal of a particular frequency.

tone compression *n.* In digital graphics, the compression of the complete color range of an image to the narrower range of the chosen output device. Allowing for tone compression in scanning and graphics editing may improve the quality of the final printed image.

toner *n.* Powdered pigment that is used in office copiers and in laser, LED, and LCD printers. *See also* electrophotographic printers.

toner cartridge *n.* A disposable container that holds toner for a laser printer or other page printer. Some types of toner cartridge contain toner only; however, the most popular printer engines pack all expendables, including toner and the photosensitive drum, in a single cartridge. Toner cartridges are interchangeable among printers that use the same engine.

toolbar *n.* In an application in a graphical user interface, a row, column, or block of on-screen buttons or icons. When these buttons or icons are clicked on with the mouse, macros or certain functions of the application are activated. For example, word processors often feature toolbars with buttons for changing text to italic, boldface, and other styles. Toolbars often can be customized by the user and usually can be moved around on the screen according to the user's preference. *See the illustration. See also* graphical user interface. *Compare* menu bar, palette (definition 1), taskbar, title bar.



Toolbar.

toolbox *n.* A set of predefined (and usually precompiled) routines a programmer can use in writing a program for a particular machine, environment, or application. *Also called:* toolkit. *See also* library (definition 1).

Toolbox *n.* A set of routines stored mostly in the read-only memory of a Macintosh that provides application programmers with the tools needed to support the graphical interface characteristic of the computer. *Also called:* User Interface Toolbox.

Tool Command Language/Tool Kit *n.* *See* Tcl/Tk.

toolkit *n.* *See* toolbox.

ToolTips *n.* Brief descriptions of the names of buttons and boxes on toolbars and in the toolbox. A ToolTip is displayed when the mouse pointer rests on the button or combo box. *See also* ScreenTips.

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X. RELATED PROCEEDINGS APPENDIX

Appellants are not aware of any related proceedings.

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Brief of Appellant

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